



PRISON  
FELLOWSHIP

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Communities through Jesus Christ*

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Michigan House of Representatives, Judiciary Committee  
State Representative Mark Meadows, Chairman

Dec. 14, 2009

*Chairman Meadows, thank you for convening today's hearing. The failures in Michigan's public defense delivery system are serious. They are negatively impacting our state's budget, families, the rights of those accused of crime and the lives of people who are victims of crime. As Executive Director of Prison Fellowship for Michigan, I applaud you for examining this issue, reviewing the proposed legislation and thank you for the opportunity to present testimony.*

The biblically based principles of restorative justice acknowledge that crime is more than law breaking; it's victim harming. Restorative justice aims at every step of the criminal justice process to hold offenders accountable, heal victims, reconcile broken relationships between victims and offenders, and restore community peace. A lasting solution to America's problematic justice system should incorporate the principles of restorative justice.

In the case of Michigan, the failures of the state's public defense system undermine Prison Fellowship's pursuit of restorative justice. This is why we have joined the Campaign for Justice in calling for statewide funding and statewide standards for public defense services, because the deteriorating condition of Michigan's system demands reform.

Currently, a patchwork system of county-based public defense services stretches across Michigan. Each of Michigan's 83 counties is responsible for funding and administering the public defense system within its border. This leads to inadequate funding, uneven oversight and inconsistent justice for both those accused of a crime and those who are victims of crime. As a result, mistakes occur. People are wrongfully or inappropriately imprisoned. Scarce financial resources are wasted. Real offenders are not held accountable and victims of crime become victims again.

A detailed account of the failures in Michigan's system was outlined last year in a comprehensive study requested by the Michigan legislature and completed by the

National Legal Aid and Defender Association. It reported:

The National Legal Aid & Defender Association (NLADA) finds that the state of Michigan fails to provide competent representation to those who cannot afford counsel in its criminal courts. The state of Michigan's denial of its constitutional obligations has produced myriad public defense systems that vary greatly in defining who qualifies for services and the competency of the services rendered. Though the level of services varies from county to county – giving credence to the proposition that the level of justice a poor person receives is dependent entirely on which side of a county line one's crime is alleged to have been committed instead of the factual merits of the case – NLADA finds that none of the public defender services in the sample counties are constitutionally adequate.

This passage confirms Michigan needs to implement a statewide system of funding for public defense services and must apply nationally recognized standards to the defense services provided to those of limited means. As you consider the proposed legislation, I encourage you to keep these goals in mind and work to ensure they are the basis of any plan you adopt.

These are the goals of the Michigan Campaign for Justice, and they are goals that we at Prison Fellowship share. Preserving the constitutional right to an effective, state-provided defense is critically important to all people associated with our criminal justice system – the accused, victims and the public.

Again, I appreciate the opportunity to share this information with the committee and thank you again for your attention to this important issue.